

# DISCLOSURE DIVISION

☒ **WAIVER REQUEST**  
☐ **ANSWER**  
☐ **RECONSIDERATION REQUEST**  
☒ **UNTIMELY**

**DATE: 10/29/2021**

**DOCKET #: 2021-914**

Ashley Wimberley, Director  
Disclosure Division



## FILER INFORMATION

Name: Mr. Nolan Marshall, III  
Address: 1916 Bienville St., New Orleans, LA 70112-3312  
Office/Position: New Orleans City Planning Commission  
# of Disclosures/Amendments Filed with Agency: 7  
Years Covered: 2008-2016  
Final Report: 2016

## REPORT INFORMATION

Name of Report: Tier 2.1 Annual Personal Financial Disclosure covering calendar year 2015 - Amendment  
Report ID: PFD16007087  
Original Due Date: 5/16/2016  
Initial PFD Filed on: 5/19/2016  
NOD-amend Received: 4/3/2017  
NOD-amend Signed by: Nicar Creel  
Amendment/Answer Due Date based on NOD: 4/12/2017  
Amendment/Answer Filed: N/A

## LATE FEE INFORMATION

Amount of Late Fee: \$1500  
Days late from receipt of NOD:  
Total days late from initial due date:  
Late Fee Order Received: 3/26/2021  
Payment/Waiver Request Due Date: 4/15/2021  
Waiver Request Received: 4/15/2021

## COMMENTS:

Nolan A. Marshall, III is submitting an Waiver Request and Answer for not amending his 2015 PFD. He stated he resigned from his board in 2016 and moved out of state. He did not receive the NOD to amend. He said that the building changes management and certified mail is not always provided to residents in a timely manner. He stated no one in his household signed for the notice. Had this matter been brought to his attention, he would have corrected his error. He stated the amendment required his spouse 2015 income from the City of New Orleans. However, his spouse was employed there, but was on family leave so no amendment is needed.

## OTHER LATE FEE INFORMATION

### Disclosure Statements:

- Other Outstanding Statements: No
- Other Outstanding Late Fees: No
- Prior Late Fees: No
- Reassessed Late Fees: No

### Campaign Finance:

- Outstanding Late Fees: YES
- Prior Late Fees: YES

April 14, 2021

Louisiana Board of Ethics  
Post Office Box 3468  
Baton Rouge, Louisiana 70821

Fax: 225/381-7271

RE: Late Fee Assessment – Report: PDF16007087

Ms. Wimberley –

I would like to formally request a waiver of the late fee assessed against me for failure to timely file a Tier 2.1 Annual Personal Financial Disclosure.

1. I resigned from the New Orleans City Planning Commission in 2016, to pursue employment outside of the State of Louisiana.
2. I did received notice of separate delinquency in August 31, 2017 (Late Fee Assessment – Report: PDF170084930, and subsequently submitted a financial disclosure to satisfy the requirement. I did not receive notice to amend 2015 report. If I had, I would have amended it just as I completed my requirements following the other notice. We lived in a residential building that changed management and certified mail did not always reach me directly on the date it was delivered. No one in my household signed for this delivery. Further, I had multiple conversations with Ethics administrators in 2017, and subsequently in 2018. If this matter would have been brought to my attention, I would have cleared it, as I have any other concerns.
3. My 2015 disclosure was filed on time. I believe the amendment request is because of my wife's missing income from her employment with the City of New Orleans. During 2015, though she was employed, my wife was on family leave. I do not believe my report needs to be amended.
4. My service on the Planning Commission was without compensation and consisted of at least 12 hours of dedicated public service every month during my tenure.
5. \$1500 is excessively punitive. Combined with the stigma of an "ethics violation" it is a disconcerting reward for my years of public service in New Orleans and the State of Louisiana. Perhaps you all could consider a classification system that clearly distinguishes between late fees and anything more nefarious

As of May 10, I will once again no longer live in Louisiana and I will be unable to appear before the Board.

Thank you for your consideration.



Nolan A. Marshall III

ETHICS BOARD REC'D  
APR 15 '21 PM 5:06

## Ashley Wimberley

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**From:** Nolan Marshall <nmarshall@nolaba.org>  
**Sent:** Thursday, April 15, 2021 3:49 PM  
**To:** Ashley Wimberley  
**Subject:** Waiver Request Report: PDF16007087  
**Attachments:** Waiver Request\_Nolan Marshall\_ReportPDF16007087.pdf

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

Ms. Wimberly,

Please accept the attached Waiver Request. Due to COVID, I am working from home and do not have access to fax or mail room. As I just discovered this notice, I am aware time is of the essence.

Should you need anything further from me – please give me a call. I can be reached at (504) 338-3823.

-NM3



**Nolan A. Marshall III** | Chief Engagement and Solutions Officer

**New Orleans Business Alliance** | 1250 Poydras Street, Suite 2150 | New Orleans, LA 70113

C: 504-338-3823 O: 504-934-4560 | [nmarshall@nolaba.org](mailto:nmarshall@nolaba.org) | [www.nolaba.org](http://www.nolaba.org)

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## Ashley Wimberley

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**From:** Ashley Wimberley  
**Sent:** Monday, September 20, 2021 4:06 PM  
**To:** 'Nolan Marshall'  
**Cc:** nolanmarshall3@gmail.com  
**Subject:** RE: LA Board of Ethics: Request for Additional Information  
**Attachments:** Tier 2.1 Annual.pdf

Good afternoon Mr. Nolan,

My apologies for the late response.

I have attached a Tier 2.1 for you complete only the Schedule E page, with her 2015 income and send back to me as a pdf attachment or picture. I will ask the attorney presenting your case to show that you amended the report.

Please let me know if you have any questions or need any additional information.

Thank you and have a great day!

### Ashley Wimberley

Ethics Administration  
P. O. Box 4368  
Baton Rouge, LA 70821  
(225) 219-5600 - Office  
(800) 842-6630 - Toll Free  
(225) 381-7271 - Fax  
[www.ethics.la.gov](http://www.ethics.la.gov)

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**From:** Nolan Marshall <Nolan@dtvan.ca>  
**Sent:** Monday, August 23, 2021 1:28 PM  
**To:** Ashley Wimberley <Ashley.Wimberley@la.gov>  
**Cc:** nolanmarshall3@gmail.com  
**Subject:** re: LA Board of Ethics: Request for Additional Information

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**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

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Good Morning Ms. Wimberley –

After reviewing this with my wife (Lindsey Darnell), I realized that while Lindsey was out on maternity leave in 2015 she was still paid by City of New Orleans under their then newly created paid family leave policy. Therefor her W2 for 2015 will reflect that she did indeed earn money from the City in spite of being on leave. How is it recommended that I proceed in this matter? I maintain that this was not an error worthy of a \$1500 fine and the original report was submitted on time.

Regards,  
Nolan

**Nolan Marshall III** (He/Him/His) | President & CEO  
Downtown Vancouver Business Improvement Association (DVBIA)  
Suite 325-1130 West Pender Street | V6E 4A4  
m/ 604.787.6664 e/ [nolan@dtvan.ca](mailto:nolan@dtvan.ca)



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Good afternoon Mr. Marshall,

On April 15, 2021, you requested a waiver of the \$1,500 late fee that was issued in connection Tier 2.1 Annual Personal Financial Disclosure Statement, Report ID# PFD16007087

In your request, you state that your spouse was on family leave had no income to report during calendar year 2015. If you would like the Ethics Board to consider the request as stated, a copy of your spouse's 2015 Tax Returns and 2015 W-2 Form or 1099 from the New Orleans City Council must be submitted as documentation to support and verify your claim. The supporting documentation must be received by this agency on or before August 27, 2021.

Please let me know if you have any questions or need any additional information.

Thank you and have a great day!

**Ashley Wimberley**  
Ethics Administration  
P. O. Box 4368  
Baton Rouge, LA 70821  
(225) 219-5600 - Office  
(800) 842-6630 - Toll Free  
(225) 381-7271 - Fax  
[www.ethics.la.gov](http://www.ethics.la.gov)

## Ashley Wimberley

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**From:** Nolan Marshall <nmarshall@nolaba.org>  
**Sent:** Monday, May 10, 2021 7:45 AM  
**To:** Ashley Wimberley  
**Cc:** Nolan Marshall  
**Subject:** Re: Waiver Request Report: PDF16007087

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**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

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Good Morning Ms Wimberley,

Friday was my last day at the Business Alliance and this morning we will be starting our move to Vancouver. I can be reached at (504) 338-3823 and nolanmarshall3@gmail.com.

We will be in short term rentals until July, but I will send you a forwarding address as soon as we've settled into our permanent residence in Canada.

Best,  
Nolan

Sent from my iPhone

On Apr 15, 2021, at 5:10 PM, Ashley Wimberley <Ashley.Wimberley@la.gov> wrote:

**EXTERNAL SENDER. DO NOT** click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. **DO NOT** provide your user ID or password.

Good afternoon Mr. Marshall,

I have received your waiver request; and will processed it for the next step of docketing.

Once your waiver is docketed (issued a case number & assigned to a staff attorney), you'll received a notice in the mail with that docket number and meeting date for when the Ethics Board will review your request and render a decision. Please keep in mind the that Ethics Administrations staff/employees do not have the authority to render a decision regarding your late fee assessments.

Please let me know if you have any questions or need any additional information.

Thank you and have a great day!

**Ashley Wimberley**

March 30, 2017

Nolan Marshall, III  
3839 McKinney Avenue, Apartment 402  
Dallas, TX 75204

CERTIFIED MAIL

NO. 70162070000080105162

RETURN RECEIPT REQUESTED

**RE: NOTICE OF DELINQUENCY - AMEND  
PFD16007087**

Dear Mr. Marshall:

Pursuant to La. R.S. 42:1124.4, if a person fails to file a Personal Financial Disclosure Statement as required by 42:1124, 1124.2, 1124.2.1, or 1124.3; omits information; or files inaccurately, a Notice of Delinquency shall be issued. A review of your Tier 2.1 Personal Financial Disclosure Statement covering 2015 that was filed with this office on May 19, 2016 indicates the following error(s) or omission(s):

**You are required to disclose the income your spouse received (during calendar year 2015) from the City of New Orleans on SCHEDULE E.**

**You have 7 business days from the date of receipt of this Notice** to file an amendment to your Statement, or to submit a written Answer contesting the allegations. **Failure to file** within the 7 days will subject you to an automatic late fee of \$50 per day up to a maximum of \$1,500. Proof of timely filing is determined by the U.S. Postal Service postmark; receipt from the U.S. Postal Service; or receipt from a commercial delivery service.

If you would like to view the report that was initially filed to further explain the omission and/or correction needed, you may visit our website at [www.ethics.la.gov](http://www.ethics.la.gov). If you have any questions, you may contact me at 225/219-5600 or 800/842-6630.

Sincerely,



Tammy Frazier  
Compliance Investigator

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Nolan Marshall, III  
3839 McKinney Avenue, Apt. 402  
Dallas, TX 75204



5162



9590 9402 2195 6193 3399 64

**2. Article Number (Transfer from service label)**

7016 2070 0000 8010 5162

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY****A. Signature****X***Nical Creei*☐ Agent☐ Addressee**B. Received by (Printed Name)***Nical Creei***C. Date of Delivery****D. Is delivery address different from item 1?** ☐ YesIf YES, enter delivery address below: ☐ No**3. Service Type**☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

30)

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Domestic Return Receipt